GOVERNMENT OF INDIA
RURAL DEVELOPMENT
LOK SABHA

STARRED QUESTION NO:223
ANSWERED ON:07.08.2001
CONFERENCE ON PANCHAYATI RAJ SYSTEM
AJAY SINGH CHAUTALA;GADDE RAMAMOHAN

Will the Minister of RURAL DEVELOPMENT be pleased to state:

(a) whether a Conference of State Ministers on Panchayati Raj was held in Delhi recently;

(b) if so, the details in this regard and the agenda of the Conference;

(c) the outcome of the said Conference;

(d) whether the issue of extension of the provision of the Panchayats (Extension to the Scheduled Areas) Act, 1996 was also taken up;

(e) if so, the outcome thereof; and

(f) the extent to which the decisions are likely to help to strengthen the Panchayati Raj System in the Country; and

(g) the time by which these decisions are likely to be implemented?

Answer

MINISTER OF RURAL DEVELOPMENT (SHRI M VENKAIAH NAIDU)

(a) to (g): A Statement is laid on the Table of the House.

Statement referred to in reply to Lok Sabha Starred Question No.223 due for reply on 07/08/2001

A Conference of Panchayati Raj Ministers of the States was held on 11th July, 2001 at New Delhi. The subjects discussed and the broad consensus arrived at in the Conference are enclosed at Annexure.

The Conference discussed the issue ofthe provision of Panchayats (Extension to the Scheduled Areas) Act, 1996. It was resolved that the States would take action to ensure legislation or amendment of relevant Acts/Rules, to bring them in conformity with the provisions of the Panchayats (Extension to the Scheduled Areas) Act (PESA), 1996, latest by 31st March, 2002.

After wide ranging discussions on the various provisions of the Constitution (73rd Amendment) Act, 1992 and the provisions of the Panchayats (Extension to Scheduled Areas) Act 1996 (PESA), the Conference adopted specific time-frames for implementation of the provisions relating to Panchayats. It was decided that devolution of powers of funds, functions and functionaries upon Panchayati Raj Institutions would be completed by 31st March, 2002, the setting up of District Planning Committees by 31st December, 2001 and implementation of the provisions of the Panchayats (Extension to Scheduled Areas) Act 40 of 1996 (PESA)bringing the State Laws/Acts in conformity with PESA, latest by 31st March, 2002. The implementation of these decisions will strengthen the Panchayati Raj System in the country.

ANNEXURE

MAJOR RECOMMENDATIONS OF THE CONFERENCE OF STATE MINISTERS OF PANCHAYATI RAJ HELD ON 11.07.2(NEW DELHI.

The following resolutions/recommendations on strengthening of Panchayati Raj Institutions were adopted unanimously by the State Ministers of Panchayati Raj present in the Conference.

(i) Elections -

- It was agreed that since the holding of Panchayat elections every 5 years is mandatory, State Governments/Union Territory Administrations shall ensure that elections are held with the same regularity with which Parliament and Assembly elections are held.

- States/UTs should refrain from approaching Law Courts for postponement of elections. While the adequacy of the legal provisions pertaining to Panchayat elections can be examined, the State Governments have to, in the first instance, ensureregular holding of elections.
- It was desirable for Panchayat elections to be held on non-party basis.
- The process of delimitation of constituencies and reservation of seats for SCs/STs and women should be settled well in advance, for giving sufficient opportunity for settling disputes, if any, on these issues.
- If Panchayat elections are not held on time, the Planning Commission/ Government of India can issue directions for withholding funds under Central Schemes/Centrally Sponsored Schemes.

(ii) Devolution of funds, functions and functionaries upon PRIs -

- It was agreed that States/UTs would devolve functions upon PRIs in respect of the subjects listed in the XI schedule and issue detailed executive instructions devolving specific and substantial executive powers upon each tier of Panchayats by 31.3.2002.
- A Task Force comprising senior officers of the Ministry of Rural Development and of the State Governments will be set up at the earliest to operationalise administrative decentralization of funds, functions and functionaries with regard to the subjects in the Constitution, so that functional and financial devolution is completed by 31st March 2002.
- Incentives should be extended to the Panchayats by the State Governments by way of grants-in-aids for their better performance as regards raising their own resources.
- Panchayats may be given untied funds to enable them to select development work according to their needs.

(iii) Constitution of DPCs-

- The Conference, taking note of the poor progress in setting up of District Planning Committees in most of the States/UTs, recommended that these be constituted by the end of 2001.
- It was agreed that the practice of appointing Minister-in-charge of District as Chairperson of DPC should be discontinued and that the Chairman of District Panchayat ought to be the Chairperson of the DPC.

(iv) Strengthening of Gram Sabha-

- In order to accelerate the emergence of Gram Sabhas as bodies to whom the PRIs are accountable, the powers and functions of Gram Sabha should be spelt out in detail articulating their role as planners, decision-makers and auditors.
- It was agreed that the Gram Sabha meeting should be held at least four times in a year. Instead of holding the Gram Sabha on a fixed day, it was suggested to hold Gram Sabhas within a span of 30 days from the pre-determined dates so that concerned officers are present to respond to questions and concerns.

(v) Transparency and Accountability -

It was resolved that the following 4-point strategy for strengthening of Gram Sabha and effective implementation of different Rural Development Schemes will be implemented in letter and spirit:-

- Awareness through Print and Electronic Media, street plays and training to the elected Panchayat representatives;
- Participation of the community in the preparation of need based Action Plans, their execution and monitoring;
- Transparency by displaying all the relevant information on a Bill Board regarding estimates, availability of funds and expenditure on the works taken up by the Panchayats, making available all relevant records for inspection by the public, providing photocopies of documents, on demand, on payment of nominal charges and prescribing well-defined methods for selection of beneficiaries.
- Social Audit should have binding legal outcomes so as to curb corruption and misutiliasion of funds. The Gram Sabha should be empowered legally for Social Audit.

(vi) State Control over PRIs -

- The scope of State Government intervention and control over PRIs should be minimized. If there is any specific complaint against any Panchayat, it should be referred to a body similar to the Ombudsman in Kerala.

(vii) Parallel Bodies constituted by States -

- The Conference decried the increasing tendency to set up parallel bodies. If at all any such bodies are to be set up, they should work under the supervision of the Panchayats and the Gram Sabha.
- The Conference recommended that instead of setting up parallel bodies, States should implement the existing provision in Panchayat laws for Sub-Committees on different subjects and train Panchayat Members for this purpose.
- Panchayats/Gram Sabhas should be empowered to supervise and monitor the work of NGOs working in the rural areas.

(viii) The Provisions of the Panchayats (Extension to the Scheduled Areas) Act 1996 - [PESA - 1996]

- It was agreed that action would be taken to ensure legislation or amendment of relevant Acts/Rules, to bring them in conformity with the provisions of the PESA, 1996, latest by 31.3.2002.